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PP RUEHWEB

DE RUEHLGB #0313 0881615  
ZNR UUUUU ZZH  
P 291615Z MAR 07  
FM AMEMBASSY KIGALI  
TO RUEHC/SECSTATE WASHDC PRIORITY 3964  
INFO RUEHJB/AMEMBASSY BUJUMBURA 0045  
RUEHDR/AMEMBASSY DAR ES SALAAM 0856  
RUEHKM/AMEMBASSY KAMPALA 1580  
RUEHKI/AMEMBASSY KINSHASA 0200  
RUEHNR/AMEMBASSY NAIROBI 0830  
RUEHFR/AMEMBASSY PARIS 0221

UNCLAS KIGALI 000313

SIPDIS

SENSITIVE  
SIPDIS

E.O. 12958: N/A

TAGS: [PREL](#) [PGOV](#) [MASS](#) [RW](#)  
SUBJECT: PRESIDENT OF MILITARY COURT ON RECORDS,  
PUNISHMENTS WITHIN THE MILITARY

¶1. (SBU) Summary. On March 22 DCM and polchief met with Major General Patrick Nyamvumba, President of the Military High Court, to discuss the military justice system and prospects for access to records. Nyamvumba described a system grounded in the civilian criminal code and procedure, with careful record keeping, and an interest in making those records more readily available to the public. Nyambvumba expressed keen interest in USG assistance with record access, and with military justice training. End summary.

¶2. (SBU) General Nyamvumba began by reviewing briefly the military justice system, as revised by the 2003 Constitution and implementing legislation. As currently constituted, the military courts consist of a Military Tribunal and Military High Court. Cases tried by the Military Tribunal and reviewed by the Military High Court can be appealed to the civilian Supreme Court if the sentence imposed exceeds 10 years imprisonment. Cases, such as murder or threats to national security, that are tried by the Military High Court are reviewable by the Supreme Court.

¶3. (SBU) Nyamvumba described the system as "dependent on the civilian system," with no independent criminal procedure or penal code (note: the existing civilian penal code has at its conclusion a separate chapter entitled "military penal code," which describes various offenses and their punishments). Most of the judges in the military court system were trained judges, he said, and the military court system received regular training assistance from the Ministry of Justice and from various NGOs.

¶4. (SBU) Nyamvumba noted that serving military officers were subject to military discipline and military courts, no matter the nature of their offense or their role in government (Note: a number of senior civilian positions are held by serving officers, including the Head of Cabinet at the Presidency, a number of Ambassadors, several members of Parliament, and the Heads of several independent Commissions, including the Commission investigating French involvement in the genocide). An aide to Nyamvumba listed for us the pending cases within the military justice system, including 17 murder cases, 151 "ordinary crimes," 13 genocide cases, and seven crimes against state security. In total, he said, the military courts passed judgment on 204 cases in 2006 (no statistics available on convictions versus acquittals).

¶5. (SBU) The general mentioned that since 1994, military courts had imposed the death penalty in 20 cases -- none had been carried out, he averred, and all would be commuted to life sentences when the government completed its ongoing

effort to abolish the death penalty. Despite the general rule on military court jurisdiction over serving officers, gacaca courts did, he said, exercise jurisdiction over military personnel for Category 2 and 3 cases (that is, ordinary murderers and destroyers of property, rather than Category 1 leaders and directors of the genocide, who would appear before the regular military courts).

¶6. (SBU) The general said that military court records were open to the public, and that his office was interested in exploring the creation of a website for public access to those records. Any assistance from the USG would be greatly appreciated, he said. In answer to the DCM's request for a regular channel to examine military court records, the general suggested writing to the Secretary General of the Ministry of Defense (a post soon to be taken up by returning Ambassador to the U.S. Jack Nsenga, also a serving military officer). When asked if JAG Corps assistance to the Rwandan military court system would be useful, General Nyamvumba responded enthusiastically. "We would welcome such assistance at any time," he said.

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